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DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

Title of Invention**FUEL CELL STACKS OF ALTERNATING POLARITY MEMBRANE
ELECTRODE ASSEMBLIES**

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☐ The attached application, or
- ☒ Application No. **10/798,714**, filed on **March 10, 2004**,
- ☐ as amended on _____ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application.

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S)Inventor one: Emerson R. GallagherCitizen of: CanadaSignature: Date: April 23, 2004Inventor two: Maura H. MaloneCitizen of: CanadaSignature: Date: 23-Apr-04

Inventor three: _____

Citizen of: _____

Signature: _____

Date: _____

Inventor four: _____

Citizen of: _____

Signature: _____

Date: _____

☐ Additional inventors or a legal representative are being named on _____ additional form(s) attached hereto.

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 minute to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: P.O. Box 1450, Alexandria, VA 22313-1450.

Docket No. 130109.486

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STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Emerson R. Gallagher and Maura H. Malone
Application No./Patent No.: 10/798,714 Filed/Issue Date: March 10, 2004
Entitled: FUEL CELL STACKS OF ALTERNATING POLARITY MEMBRANE ELECTRODE ASSEMBLIES

Ballard Power Systems Inc.

(Name of Assignee)

a

Corporation

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by percentage) of its ownership interest is _____%

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above.
The assignment was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

- ☐ Copies of assignments or other documents in the chain of title noted in B above are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

April 27, 2004
Date

Noordin S.K. Nanji
Typed or printed name

Telephone Number

[Signature]
Signature

Vice-President, Corporate Strategy & Development
Title

April 30, 2004
Date

Dave Smith
Typed or printed name

Telephone Number

[Signature]
Signature

Chief Financial Officer
Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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ASSIGNMENT

WHEREAS, we, **Emerson R. Gallagher**, having a mailing address of 3233 West 8th Avenue, Vancouver, British Columbia, Canada V6K 2C6; and **Maura H. Malone**, having a mailing address of #101 – 1235 West 13th Avenue, Vancouver, British Columbia, Canada V6H 1N5 (hereinafter referred to as ASSIGNORS), are the joint inventors of an invention entitled “**FUEL CELL STACKS OF ALTERNATING POLARITY MEMBRANE ELECTRODE ASSEMBLIES**,” as described and claimed in the specification for which an application for United States letters patent was filed on **March 10, 2004** and assigned Application No. **10/798,714**;

WHEREAS, **Ballard Power Systems Inc.** (hereinafter referred to as ASSIGNEE), a Canadian corporation having a place of business at 4343 North Fraser Way, Burnaby, British Columbia, Canada V5J 5J9, is desirous of acquiring the entire right, title and interest in and to the invention and in and to any letters patent that may be granted therefor in the United States and in any and all foreign countries;

NOW, THEREFORE, in exchange for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNORS hereby sell, assign and transfer unto said ASSIGNEE the entire right, title and interest in and to said invention, said application and any and all letters patent which may be granted for said invention in the United States of America and its territorial possessions and in any and all foreign countries, and in any and all divisions, reissues and continuations thereof, including the right to file foreign applications directly in the name of ASSIGNEE and to claim priority rights deriving from said United States application to which said foreign applications are entitled by virtue of international convention, treaty or otherwise, said invention, application and all letters patent on said invention to be held and enjoyed by ASSIGNEE and its successors and assigns as fully and entirely as the same would have been held and enjoyed by ASSIGNORS had this assignment, transfer and sale not been made. ASSIGNORS hereby authorize and request the Commissioner of Patents and Trademarks to issue all letters patent on said invention to ASSIGNEE. ASSIGNORS agree to execute all instruments and documents required for the making and prosecution of applications for United


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Application No. 10/798,714

States and foreign letters patent on said invention, for litigation regarding letters patent, or for the purpose of protecting title to said invention or letters patent therefor.

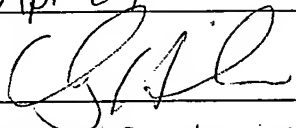
April 23, 2004
Date


Emerson R. Gallagher

City of Burnaby)
Province of BC)

ss.

I certify that I know or have satisfactory evidence that Emerson R. Gallagher is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated 23 Apr 04
Signature of 
Notary Public
Printed Name KERRY B HILLIER

My appointment does not expire.

COPY

COPY

23- Nov 04
Date
City of VANCOUVER
Province of B.C.

Maura H. Malone
Maura H. Malone

ss.

I certify that I know or have satisfactory evidence that Maura H. Malone is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated 23 Apr 04
Signature of Notary Public [Signature]
Printed Name KERRY B HILLIER

My appointment does not expire.

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